

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1740.01  
**COMPLAINT INVESTIGATOR:** Sandie Scudder  
**DATE OF COMPLAINT:** April 30, 2001  
**DATE OF REPORT:** May 30, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** June 28, 2001

**COMPLAINT ISSUES:**

Whether the East Washington School Corporation and the South Central Special Education Cooperative violated:

-511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide homebound services.

-511 IAC 7-27-5(c) with regard to the school's alleged failure to provide the parent with a written copy of the report of the case conference committee meeting within ten business days after the March 7, 20001, case conference committee meeting.

**FINDINGS OF FACT:**

1. The student (Student) is 16 years old, in 8<sup>th</sup> grade, and is eligible for special education and related services as a student with an emotional disability.
2. A CCC Report/IEP dated March 7, 2001, states that the Student is to receive homebound instruction for a minimum of five hours per week for the remainder of the 2000-2001 school year. The initiation of service date is listed as March 7, 2001. At that time, the Complainant stated she would contact a teacher who could provide homebound services to the Student. The Complainant informed the Director of Special Education (Director) on March 8, 2001, that the teacher was unavailable and requested that the Director locate a teacher to provide homebound services to the student. The Director stated that the Complainant informed him on March 13, 2001, that the teacher was unavailable.
3. On March 19, 2001, the Complainant informed the Director that the school had not contacted her concerning homebound services for the Student. The Director contacted the Principal who was unavailable on March 19, 2001. The Principal contacted the Director on March 20, 2001, and indicated that the teacher for learning disabilities had agreed to provide homebound services to the Student. The teacher for learning disabilities was to notify the Director when arrangements for providing homebound services were finalized with the Complainant.
4. On March 23, 2001, the Principal notified the Director that the teacher for learning disabilities could not provide the homebound services to the Student. The Director requested that the Principal ask the teacher for emotional disabilities about providing homebound services to the Student. The Principal informed the Director on March 23, 2001, that the teacher for emotional disabilities agreed

to provide the requested services for the Student. The Principal stated that services would begin during the first week of April 2001, after spring break. Spring break was from March 26 to March 30, 2001.

5. The teacher for emotional disabilities had a death in the family and did not return to school after spring break until April 11, 2001. The Director had a death in the family and did not return to school after spring break until April 9, 2001.
6. After talking to the Complainant, the Division informed the Director on May 2, 2001, that the homebound services for the Student had not started. The director stated that he had assumed that the homebound services were being provided to the Student. The Director contacted the teacher for emotional disabilities who arranged the first home visit with the Complainant on May 7, 2001. The Complainant states that the Student has received approximately 4-1/2 hours of homebound instruction per week for the last three weeks.
7. The last case conference for the Student was convened on March 7, 2001. The Complainant did not receive a copy of the CCC Report until May 7, 2001.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that beginning March 7, 2001, the Student was to receive homebound instruction at least five hours per week. Findings of Fact #3, #4, #5, and #6 indicate that the School failed to provide homebound instruction to the Student as required by the IEP. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
2. Finding of Fact #7 indicates that the School did not provide the parent with a copy of the CCC Report within 10 business days after the date of the CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) occurred.

**The Department of Education, Division of special Education requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The East Washington School Corporation and the South Central Special Education Cooperative shall:

1. convene a case conference to identify how a minimum of 40 hours of instruction will be made up. **Documentation of the CCC Report including the hours of compensatory time, the schedule for providing the compensatory services and name(s) of the teacher(s) who will provide the services to the Student shall be submitted to the Division no later than June 8, 2001.**
2. submit an assurance statement to the Division no later than June 8, 2001, that parents will receive a copy of the CCC Report/IEP no later than ten business days after the date of the CCC meeting.

DATE REPORT COMPLETED: May 30, 2001